

SESSION OF 2020

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT  
RESOLUTION NO. 5025**

As Amended by Senate on Final Action

**Brief\***

HCR 5025, as amended, extends the Governor's March 12, 2020, state of disaster emergency declaration for the State regarding novel coronavirus (COVID-19) through May 1, 2020, subject to additional extensions by concurrent resolution of the Legislature.

The resolution provides that if the Legislature is not in session, the Governor could apply to the State Finance Council to extend the state of disaster emergency declaration, and the Council could authorize additional extensions of the declaration for specified periods of up to 30 days each, by a majority vote of the legislative members of the Council.

The resolution further states the Governor shall not have the power or authority pursuant to either the statutory powers of the Governor during a state of disaster emergency, or any other executive authority to:

- Temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing, or transportation of firearms or ammunition [KSA 2019 Supp. 48-925(c)(8)];
- Utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster [KSA 2019 Supp. 48-925(c)(2)];

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- Subject to any applicable requirements for compensation under current law, commandeer or utilize any private property if the Governor finds such action necessary to cope with the disaster [KSA 2019 Supp. 48-925(c)(4)];
- Control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein [KSA 2019 Supp. 48-925(c)(7)];
- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles [KSA 2019 Supp. 48-925(c)(8)]; or
- Perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population [KSA 2019 Supp. 48-925(c)(11)].

## **Background**

HCR 5025 was introduced by Representatives Ryckman, Sawyer, Finch, Hawkins, and Winn in the House Committee of the Whole on March 13, 2020, and was adopted by the Committee of the Whole on the same date.

On March, 18, 2020, the Senate amended the resolution on final action by modifying the extension date, specifying the method of obtaining, and length of future extensions of the related disaster emergency declaration; and inserting provisions related to limiting certain powers of the Governor during the term of the disaster emergency declaration.

The Senate Committee of the Whole adopted the amended resolution on the same date.